

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

YAZMIN K. RIVERA CLASS,

Plaintiff,

v.

MRS. MARGARATE HILLIS
CHATHAM APARTMENTS,

Defendant.

Case No. CV409-191

REPORT AND RECOMMENDATION

Proceeding *pro se*, plaintiff Yazmin K. Rivera Class has filed a form Complaint pleading no statutory or jurisdictional basis. Instead, she complains about her noisy apartment. Doc. 1. In uncorrected form, here is a sample passage from her filing:

I had complaint to HUD concerning the frequent and continuous harassments I get at Chatham Apartments. Because of the harassments management does not treat me equal. I would like to relocate to a place under the department of HUD with out being held harm. In the past I had a Doctors note explaining that my overall health was getting bad because the elevator which was broken around my apartment wall was extremely noisy that the ear plugs that I had wear around my living room day at night did not worked. I had unknown individuals knocking at my door at three o'clock in the morning. I had some individuals falsely calling the police on me every time I went out. Presently I have a strong banging noise coming from my ceiling. I called security but the noise continued it left me no choice but to call the police the noise also

continued. I am a person of a quiet nature and would like to relocate into another place without any discrimination being held against me.

Doc. 1 at 7. A follow-up filing, docketed as a motion, explains that

[m]anagement is not being frank. Mrs. Hillis have told security that this is all in my head to not listen to my discomfort. The noise from above has cause me to put ice in my head. I do not suffer from headache. I had tolerated the elevator noise when it broke and bought myself some earplugs. I am being looked at as a complainer. I would like to request a counsel or someone that could speak to Mrs. Hillis for me. Please help me relocate to another low income or section eight apartment in Savannah. I have a physical disability and I am unable to rent out of section eight.

Doc. 4.

Having met 28 U.S.C. § 1915's indigency requirements, the Court **GRANTS** Class's motion for leave to proceed *in forma pauperis*. Doc. 2. However, she by no stretch of liberal pleading standards even begins to state a Fair Housing Act (FHA) claim, assuming that is her intent. The FHA, for that matter, does have a provision prohibiting coercion, intimidation, or interference of someone in a protected class (*e.g.*, a religious persuasion). Such a plaintiff thus must show that:

(1) she is a protected individual under the FHA, (2) she was engaged in the exercise or enjoyment of her fair housing rights, (3) the defendants coerced, threatened, intimidated, or interfered with the plaintiff on account of her protected activity under the FHA, and (4)

the defendants were motivated by an intent to discriminate. "Interference" is more than a "quarrel among neighbors" or an "isolated act of discrimination," but rather is a "pattern of harassment, invidiously motivated."

Bloch v. Frischholz, 587 F.3d 771, 783 (7th Cir. 2009) (cites omitted); see also *id.* at 783-87 (fact issue existed as to whether condominium association's reinterpretation of rule prohibiting owners from placing objects outside of unit entrance doors to include religious symbols displayed by Jewish owners was because of owners' religion, precluding summary judgment in favor of association in owners' action alleging intentional discrimination in violation of the FHA); see generally 15 AM. JUR. 2D CIVIL RIGHTS § 390 (*Generally*) (June 2009) (collecting cases).

All Class presents here is a plain-vanilla, landlord-tenant dispute about ambient noise and habitability. Her Complaint therefore should be **DISMISSED WITH PREJUDICE**, and this moots her motion for appointment of counsel. Doc. 4.

SO REPORTED AND RECOMMENDED this 6th day of January, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA